

EXHIBIT A

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

TOBIAS MOELLER-BERTRAM,)	
individually, and on behalf of all others)	
similarly situated,)	
)	
Plaintiff,)	Case No. 1:23-cv-02027-LJL
)	
v.)	
)	
GEMINI TRUST COMPANY, LLC; and)	
DIGITAL CURRENCY GROUP, INC.)	
)	
Defendants.)	
)	

STIPULATION AND [PROPOSED] ORDER

WHEREAS, Plaintiff Tobias Moeller-Bertram (“Plaintiff”) commenced this putative class action (the “Action”) on February 22, 2023 in the Supreme Court of the State of New York, New York County, against Defendants Gemini Trust Company, LLC (“Gemini”) and Digital Currency Group, Inc. (“DCG”, and together with Gemini, “Defendants”);

WHEREAS, on February 23, 2023, Defendants’ respective registered agents were served with the Summons and Complaint in this Action, which asserts claims under the Securities Act of 1933;

WHEREAS, on March 9, 2023, DCG removed this Action from the Supreme Court of the State of New York, New York County, to this Court;

WHEREAS, on March 16, 2023, Gemini filed a motion to compel Plaintiff to arbitrate his claims against Defendant Gemini, ECF Nos. 14-16 (“Motion to Compel Arbitration”);

WHEREAS, Plaintiff intends to file a motion to remand this Action to the Supreme Court of the State of New York, New York County;

WHEREAS, counsel for Plaintiff and counsel for Gemini have conferred and have agreed that, pending the Court’s resolution of Plaintiff’s motion to remand this Action, Gemini’s Motion

to Compel Arbitration should be stayed, and Gemini's obligations to respond to the Complaint or provide discovery should be stayed;

IT IS HEREBY STIPULATED AND AGREED, between Plaintiff and Defendant Gemini, subject to the Court's approval, as follows:

1. Plaintiff's time to oppose or otherwise respond to Gemini's Motion to Compel Arbitration is stayed until after the Court resolves Plaintiff's motion to remand the Action to the Supreme Court of the State of New York, New York County.

2. Defendant Gemini's time to answer, move, or otherwise respond to the Complaint is stayed until after the Court resolves Gemini's Motion to Compel Arbitration.

3. All discovery as between Gemini and Plaintiff is stayed until after the Court resolves Gemini's Motion to Compel Arbitration.

4. If the Court denies Plaintiff's motion to remand this Action, counsel for Plaintiff and Defendant Gemini shall within five (5) business days of the Court's order confer regarding a proposed schedule for Plaintiff's time to oppose, and Gemini's time to submit a reply to, Gemini's Motion to Compel Arbitration.

5. If the Court denies Gemini's Motion to Compel Arbitration, counsel for Plaintiff and Defendant Gemini shall within five (5) business days of the Court's order confer regarding a proposed schedule for (a) Defendant Gemini's time to answer, move or otherwise respond to the Complaint; and (b) discovery.

6. Within five (5) business days after the conferences described in Paragraphs 4 and 5 above, the parties shall jointly submit their proposed schedule to the Court for approval, or if the parties are unable to reach agreement, then the parties shall each submit separate proposed schedules to the Court for approval.

7. Gemini reserves all rights, including with respect to the provisions of the Private Securities Litigation Reform Act of 1995 (“PSLRA”), 15 U.S.C. § 77z-1, *et seq.*, applicable to this putative securities class action.

8. Plaintiff reserves all rights, including the right to object to this Court’s jurisdiction and application of the PSLRA, and by entering into this stipulation, Plaintiff does not expressly or impliedly concede that this Court has jurisdiction over the Action or that the PSLRA applies.

Dated: March __, 2023

SO ORDERED

LEWIS L. LIMAN
United States District Judge